UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _9/8/09_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7-12,14-19,21-26,28-33,35-40 and 42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,7-12,14-19,21-26,28-33,35-40 and 42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 9/8/09. Claims 1-5, 7-

12, 14-19, 21-26, 28-33, 35-40 and 42 are pending.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/8/09

has been entered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 29-33, and 35-40 and 42 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Regarding the language of claims 29-33, and 35-40 and 42, the present claims

recite "the computer program product comprising a computer usable storage medium

having computer readable program code embodied in the medium." The Applicant's

specification does not specifically describe the types of media encompassed by the

phrase "a computer usable storage medium.   Therefore, given the broadest reasonable

interpretation, computer medium may include transitory media (i.e. carrier waves,

signal) as well as non-transitory storage devices. Transitory media, including carrier

waves and signals, are non-statutory.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-5,7-12,14-19, 21-26,28-33,35-40 and 42 rejected under 35 U.S.C.

103(a) as being unpatentable over Teagarden et al (US 6014631A) and Walker et al

(US 6,302,844), and in further view of Papageorge (US 6,584,445)

 [claim 1] Teagarden discloses a method of providing professional services, the method

comprising the following performed by a data processing system:

- accepting entry of information associated with a medical matter of a person, wherein

    the information is entered via a client device in communication with the data

    processing system; (Figure 9; col. 13, lines 4-18-- capturing patient healthcare and

    demographic information via a client device, including telephone, PC)

- assigning the person to one of a plurality of pools of people based on the entered information; (col. 15, lines 38 –col.16, line 7)

- allowing the professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-col. 15, line 10; col. 16, lines 1-25)

Claim 1 recites that the data is entered by the person (e.g. patient) via the client device. Claim 1 further recites assigning the person (e.g. patient) to one of a plurality of pools based upon "one or more attributes of a professional services provider qualified to advise people in respective pool."

Teagarden discloses entering a patient's (i.e. person's) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool.

Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to

modify the system/method of Teagarden with the teaching Walker, with the motivation

of facilitating the provision of an expert diagnosis opinion based upon gathered data.

(col. 1, lines 5-9)

Claim 1 further recites: providing a secure area within which the professional

services provider provides information advising the person about the medical matter in

response to receipt of the entered information, wherein the secure area is accessible by

the person via the client device.

Teagarden discloses a system in which the professional services providers and

client devices have a security layer to prevent unauthorized access to other

workstations and to prevent unauthorized access into their workstations (col. 14, lines

37-48—e.g. providing a secure area). However, Teagarden does not expressly

disclose:

- providing a secure area within which the professional services provider
  provides information advising the person about the medical matter in
  response to receipt of the entered information, wherein the secure area is
  accessible by the person via the client device.

Papageorge discloses a medical consultation method comprising: providing a

secure area within which the professional services provider provides information

advising the person about the medical matter in response to receipt of the entered

information (col. 7, lines 8-18—physician uses a code to access entered patient

information and question), wherein the secure area is accessible by the person via the

client device. (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients

code and allows doctor and patient to consult and retrieve suggestions via computer.)

At the time of the Applicant's invention, it would have been obvious to one of ordinary

skill in the art to further modify the method of Teagarden and Walker in combination with

the teaching of Papageorge to provide a secure area for provider-patient consultation.

One would have been motivated to include this feature to allow complex medical

decisions to be made more effectively and with more confidence by providing a method

and system which includes i) a large patient role in treatment choice based upon the

patient's lifestyle and other choices, and ii) patient/physician shared decision making.

(col. 4, lines 25-34)

[claim 2]   Teagarden discloses the method according to claim 1, further comprising

allowing the person to access the secure area and view the information provided by the

professional services provider. (col.15, lines 46-65; col. 16, lines 8-20, 26-35—patients

notified of selection for particular treatment; enrollment may occur via phone or online)

[claim 3]   Teagarden discloses the method according to claim 1, further comprising

notifying the person that the professional services provider has provided information

about the matter within the secure area. (col. 16, lines 26-35; 49-60—clinician calls

patient)

[claim 4]   Teagarden discloses a method according to claim 1, wherein the information

is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 5] Teagarden discloses a method according to claim 1, further comprising the

following performed prior to accepting entry of information associated with a matter of a

person: identifying the person; and verifying that the person is eligible to

receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 7] Teagarden discloses a method of providing healthcare services to patients,

the method comprising the following performed by a data processing system:

- accepting entry of information about a medical condition of a patient, wherein the

  information is entered via a client device in communication with the data

  processing system;(Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65--

  capturing patient healthcare and demographic information via a client device,

  including telephone, PC)

- assigning the patient to one of a plurality of pools of patients based on the

  entered patient information; (col. 15, line 38 –col.16, line 7)

- allowing the healthcare provider qualified to treat patients in the assigned pool to

  view the patient information; (col. 14; lines 50-65; col. 16, lines 8-25)

Claim 7 recites that the data is entered by the person (e.g. patient) via the client

device. Claim 7 further recites assigning the person (e.g. patient) to one of a plurality of

pools based upon "one or more attributes of a healthcare provider qualified to treat

patients in respective pools."

Teagarden discloses entering a patient's (i.e. person's) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a healthcare provider qualified to treat patients in respective pools.

Walker discloses a method/system one or more attributes of a healthcare provider qualified to treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 7 further recites: providing a secure area within which the healthcare provider provides a diagnosis, a treatment recommendation, or a combination thereof, for the medical condition of the patient in response to receipt of the entered information, wherein the secure area is accessible by the patient via the client device.

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other workstations and to prevent unauthorized access into their workstations (col. 14, lines

37-48—e.g. providing a secure area). However, Teagarden does not expressly

disclose:

- providing a secure area within which the professional services provider

  provides information advising the person about the medical matter in

  response to receipt of the entered information, wherein the secure area is

  accessible by the person via the client device.

Papageorge discloses a medical consultation method comprising: providing a

secure area within which the healthcare provider provides a diagnosis, a treatment

recommendation, or a combination thereof, for the medical condition of the patient in

response to receipt of the entered information, (col. 7, lines 8-18—physician uses a

code to access entered patient information and question), wherein the secure area is

accessible by the person via the client device. (col. 6, lines 55-col. 7, line 8, lines 33-40

data is accessible by patients code and allows doctor and patient to consult and retrieve

suggestions via computer.) At the time of the Applicant's invention, it would have been

obvious to one of ordinary skill in the art to further modify the method of Teagarden and

Walker in combination with the teaching of Papageorge to provide a secure area for

provider-patient consultation. One would have been motivated to include this feature to

allow complex medical decisions to be made more effectively and with more confidence

by providing a method and system which includes i) a large patient role in treatment

choice based upon the patient's lifestyle and other choices, and ii) patient/physician

shared decision making. (col. 4, lines 25-34)

[claim 8]   Teagarden discloses the method according to claim 7, further comprising

allowing the patient to access the secure area and view the diagnosis or treatment

recommendation provided by the healthcare provider. (col.15, lines 46-65; col. 16, lines

8-20, 26-35—patients notified of selection for particular treatment; enrollment may occur

via phone or online)

[claim 9]   Teagarden discloses the method according to claim 7, further comprising

notifying the patient that the healthcare provider has provided the diagnosis or treatment

recommendation for the medical condition of the patient within the secure area. (col. 16,

lines 26-35; 49-60—clinician calls patient)

[claim 10] Teagarden discloses the method according to claim 7, wherein the

information is entered by the patient in a predetermined, structured format. (col. 13,

lines 4-18)

[claim 11] Teagarden discloses the method according to claim 7, wherein a treatment

recommendation provided by the healthcare provider includes a medication

prescription, and further comprising communicating the medication prescription to a

pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 12]   Teagarden discloses the method according to claim 7, further comprising

the following performed prior to accepting entry of information about a medical condition

of a patient: identifying the patient; and verifying that the patient is eligible to

receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim14] Teagarden teaches the method according to claim 8, wherein allowing the

patient to access the secure area and view the diagnosis or treatment recommendation

provided by the healthcare provider comprises allowing the patient to select a specific

medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col.

18, line 7)

[claims 15-19]

       System claims 15-19 repeat the subject matter of claims 1-5 as a set of "means-

plus-function" elements rather than a series of steps. As the underlying process has

been shown to be fully disclosed by the teachings of Teagarden in the above rejection

of claims 1-5, it is readily apparent that the Teagarden reference includes a system to

perform the recited functions. As such, these limitations are rejected for the same

reasons provided in the rejection of claims 1-5, and incorporated herein.

[claims 21-26, and 28]

       System claims 21-26 and 28 repeat the subject matter of claims 7-12, and 14 as

a set of "means-plus-function" elements rather than a series of steps. As the underlying

process has been shown to be fully disclosed by the teachings of Teagarden in the

above rejection of claims 7-12, and 14, it is readily apparent that the Teagarden

reference includes a system to perform the recited functions. As such, these limitations

are rejected for the same reasons provided in the rejection of claims 7-12, and 14, and

incorporated herein.

[claim 29] Teagarden teaches a computer program product that facilitates the provision

of professional services, the computer program product comprising a computer usable

storage medium having computer readable program code embodied in the

medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information associated

   with a medical matter of a person, wherein the information is entered via a client

   device in communication with the data processing system; (Figure 9; col. 13,

   lines 4-18- capturing patient healthcare and demographic information via a client

   device, including telephone, PC)

- computer readable program code that assigns the person to one of a plurality of

   pools of people based on the entered information; (col. 15, line 38 –col.16, line 7)

- computer readable program code that allows the professional services provider

   qualified to advise people in the assigned pool to view the entered information;

   and (col. 14; lines 50-65; col. 16, lines 8-25)

Claim 29 recites that the data is entered by the person (e.g. patient) via the client

device. Claim 29 further recites assigning the person (e.g. patient) to one of a plurality

of pools based upon "one or more attributes of a professional services provider qualified to advise people in respective pool."

Teagarden discloses entering a patient's (i.e. person's) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool.

Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 29 further recites: computer readable program that provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device.

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other workstations and to prevent unauthorized access into their workstations (col. 14, lines 37-48—e.g. providing a secure area). However, Teagarden does not expressly disclose:

- computer readable program code that provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device.

Papageorge discloses a computer-based medical consultation system wherein a computer provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information (col. 7, lines 8-18—physician uses a code to access entered patient information and question), wherein the secure area is accessible by the person via the client device. (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and patient to consult and retrieve suggestions via computer.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the method of Teagarden and Walker in combination with the teaching of Papageorge to provide a secure area for provider-patient consultation. One would have been motivated to include this feature to allow complex medical decisions to be made more effectively and with more confidence by providing a method and system which includes i) a large patient role in treatment choice

based upon the patient's lifestyle and other choices, and ii) patient/physician shared

decision making. (col. 4, lines 25-34)

[claim 30] Teagarden discloses a computer program product according to claim 29,

further comprising computer readable program code that allows the person to access

the secure area and view the information provided by the professional services provider.

(col.15, lines 46-65; col16, lines 8-20, 26-35—patients notified of selection for particular

treatment; enrollment may occur via phone or online)

 [claim 31] Teagarden discloses a computer program product according to claim 29,

further comprising computer readable program code that notifies the person that the

professional services provider has provided information about the matter within the

secure area. (col. 16, lines 26-35; 49-60—clinician calls patient)

[claim 32]   Teagarden discloses a computer program product according to claim 29,

wherein the information is entered by the person in a predetermined, structured format.

(col. 13, lines 4-18)

[claim 33] Teagarden discloses the computer program product according to claim 29,

further comprising: computer readable program code that identifies the person; and

computer readable program code that verifies that the person is eligible to receive

professional services. (Figure 13; col. 16, lines 8-10)

[claim 35] Teagarden discloses a computer program product that facilitates the

provision of healthcare services to patients, the computer program product comprising a

computer usable storage medium having computer readable program code embodied in

the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information about a

  medical condition of a patient, wherein the information is entered via a client

  device in communication with the data processing system; (Figures 9, 12; col. 13,

  lines 4-18; col. 14, lines 49-65- capturing patient healthcare and demographic

  information via a client device, including telephone, PC)

- computer readable program code that assigns the patient to one of a plurality of

  pools of patients based on the entered patient information; (col. 15, lines –col.16,

  line 7)

- computer readable program code that allows a healthcare provider qualified to

  treat patients in the assigned pool to view the patient information; and (col. 14;

  lines 50-65; col. 16, lines 8-25)

Claim 35 recites that the data is entered by the person (e.g. patient) via the client

device. Claim 35 further recites assigning the person (e.g. patient) to one of a plurality

of pools based upon "one or more attributes of a healthcare provider qualified to treat

patients in respective pools."

Teagarden discloses entering a patient's (i.e. person's) healthcare and

demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col.

13, lines 4-18—capturing patient healthcare and demographic information via a client

device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a

pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16,

lines 1-20), but does not expressly disclose assigning based upon one or more

attributes of a healthcare provider qualified to treat patients in respective pools. Walker

discloses a method/system one or more attributes of a healthcare provider qualified to

treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the

Applicant's invention, it would have been obvious to one of ordinary skill in the art to

modify the system/method of Teagarden with the teaching Walker, with the motivation

of facilitating the provision of an expert diagnosis opinion based upon gathered data.

(col. 1, lines 5-9)

Claim 35 further recites: computer readable code that provides a secure area

within which the professional services provider provides information advising the person

about the medical matter in response to receipt of the entered information, wherein the

secure area is accessible by the person via the client device.

Teagarden discloses a system in which the professional services providers and

client devices have a security layer to prevent unauthorized access to other

workstations and to prevent unauthorized access into their workstations (col. 14, lines

37-48—e.g. providing a secure area). However, Teagarden does not expressly

disclose:

- computer readable program code that provides a secure area within which
  the healthcare provider provides diagnosis, a treatment recommendation, or a
  combination thereof, for the medical condition of the patient in response to
  receipt of the entered information, wherein the secure area is accessible by
  the patient via the client device.

Papageorge discloses a computer-based medical consultation system wherein a
computer provides a secure area within which the professional services provider
provides diagnosis, a treatment recommendation, or a combination thereof, for the
medical condition of the patient in response to receipt of the entered information (col. 7,
lines 8-18—physician uses a code to access entered patient information and question),
wherein the secure area is accessible by the person via the client device. (col. 6, lines
55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and
patient to consult and retrieve suggestions via computer.) At the time of the Applicant's
invention, it would have been obvious to one of ordinary skill in the art to further modify
the system of Teagarden and Walker in combination with the teaching of Papageorge to
provide a secure area for provider-patient consultation. One would have been motivated
to include this feature to allow complex medical decisions to be made more effectively
and with more confidence by providing a method and system which includes i) a large
patient role in treatment choice based upon the patient's lifestyle and other choices, and
ii) patient/physician shared decision making. (col. 4, lines 25-34)

[claim 36]   Teagarden discloses the computer program product according to claim

35, further comprising computer readable program code that allows the patient to

access the secure area and view the diagnosis or treatment recommendation provided

by the healthcare provider. (col.15, lines 46-65; col16, lines 8-20, 26-35—patients

notified of selection for particular treatment; enrollment may occur via phone or online)

 [claim 37]   Teagarden discloses the computer program product according to claim

35, further comprising:

computer readable program code that notifies the patient that the healthcare provider

has provided the diagnosis or treatment recommendation for the medical condition of

the patient within the secure area. (col. 16, lines 26-35; 49-60—clinician calls patient)

[claim 38]   Teagarden discloses the computer program product according to claim 35,

wherein the information is entered by the patient in a predetermined, structured format.

(col. 13, lines 4-18)

[claim 39]   Teagarden discloses the computer program product according to claim 35,

wherein a treatment recommendation provided by the healthcare provider includes a

medication prescription, and further comprising computer readable program code that

communicates the medication prescription to a pharmacy for fulfillment. (col. 17, lines

64-col. 18, line 7)

[claim 40]   Teagarden discloses the computer program product according to claim

35, further comprising: computer readable program code that identifies the patient; and

computer readable program code that verifies that the patient is eligible to receive

healthcare services. (Figure 13; col. 16, lines 8-10)

 [claim 42]   Teagarden discloses the computer program product according to claim 36,

wherein the computer readable program code that allows the patient to access the

secure area and view the diagnosis and/or treatment recommendation provided by

the healthcare provider comprises computer readable program code that allows the

patient to select a specific medication prescription for treating the patient. (col. 16, lines

26-35; col. 17, lines 46-col. 18, line 7)

Response to Arguments

6.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

        The applicant appears to argue newly added features of the claim. A new

reference, and additional citations and explanations have been provided in prior art

rejection to address applicant's arguments and the new combination of features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, (Christopher) Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachel L. Porter/
Examiner, Art Unit 3626